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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 3RD DAY OF APRIL 1998

BEFORE :

THE HON'BLE MR.JUSTICE G.PATRI BASAVANA GOUD

WRIT PETITION No.433/1996

**Between :**

Nagaraj, s/o Hanumanthappa  
Vanakudri, age: major,  
occ: Proprietor  
M/s. Padmavati Industries,  
Poona Bangalore Road,  
resident of Dharwad.

.. Petitioner

( By Sri.S.V.Angadi, Advocate )

**And :**

1. The State of Karnataka  
by its Secretary to Govt.  
Labour Department,  
M.S.Building,  
Bangalore-1.

2. The Presiding Officer,  
Labour Court, Hubli.

3. A.S.Ganesh s/o Shivaiah,  
age major, occ: nil,  
residing at No.10, Nerlekar  
Building, Lakshmi Nivas,  
Station Road, Dharwad.

.. Respondents

( By Sri.Ashok S. Menasinkai, Advocate  
for R-3 and Sri.K.H.Jagadish, HCGA )

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This Writ Petition is filed under Articles  
226 & 227 of the Constitution of India praying to  
quash Annex.A dated 24.11.1989.

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This Writ Petition is coming on for orders this day, the Court made the following :

**ORDER**

The petitioner-employer, in this writ petition under Articles 226 & 227 of the Constitution, seeks quashing of the award of the Labour Court, Hubli, dated 24.11.1989 in Reference No.276/87 by which the 3rd respondent-workman was deemed to be in service and was entitled to 50% of back wages. It so happened that the said award being an exparte award, the present petitioner-employer himself approached the Labour Court to set aside the very award challenged in this writ petition and, by its order dated 16.11.1997 at Annexure-'R-1', the present petitioner-employer's application for setting aside the exparte award is allowed and the said award is set aside subject to payment of 50% of wages.

2. The very award that is sought to be quashed in this writ petition <sup>is</sup> now no longer ~~be~~ there, same having been set aside by the Labour

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-: 3 :-

Court by the above said order of 16.11.1997 at Annexure-'R-1', the writ petition has become infructuous and is disposed of as such.

Sd/-  
JUDGE

Bk/

